

16367 U.S.P.T.O.  
09/18/03

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**RESPOND TO: HUNTINGTON BEACH**

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September 18, 2003

EV203842717US

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Serial No.: 09/945,403  
Applicant: Stanley Goldstein  
Filing Date: 02/06/2002  
Group Art Unit: 3744  
Examiner: JONES, MELVIN  
For: AIR CONDITIONING SYSTEM

16934 U.S.P.T.O.  
10/666394  
09/18/03

Dear Assistant Commissioner for Patents:

~~This amendment and petition are filed to maintain the parent case which is to be abandoned when filing a new application claiming its benefit.~~

1. The amendment in this case is a bona fide attempt by applicant to respond and to advance this application to final action and comprises a separately filed:
  - (a)  Continuation Application
  - (b)  Continuation-in-Part Application
  - (c)  Divisional Application (where parent case is to be abandoned).

A copy of this amendment and petition is being filed with the papers constituting the filing of the separately filed application.

2. The amendment being filed in this case is attached.
3. This is not a petition for extension of time to respond to:
  - (d)  the Office Action mailed on \_\_\_\_\_, and Advisory Action dated \_\_\_\_\_.
  - (e)  Other

4. Please abandon this application conditioned upon the granting of the petition and granting of a filing date to the continuing application so as to make the continuing application co-pending with this application.

5. Applicant is:

a small entity verified statement

is enclosed.

was filed in parent application (a copy attached) and this status is still proper and its benefit under 37 CFR 1.28 (a) is hereby claimed.

other than a small entity.

6. Remarks: The following remarks are provided concerning the Continuation-in-part application and the Office Action of June 19, 2003 regarding Application No. 09/945,403.

a) The filing date shown on the correspondence for Application No. 09/945,403 is 02/06/2002. The original filing was 08/31/2001 for which a preliminary amendment was filed on December 28, 2001 (a copy is attached). It is believed this amendment did not add new matter to the original application. Correction of the filing date is requested.

b) The following comments relate to the rejection of claim 1 of the Application No. 09/945,403. The examiner rejection pointed to the elements of the Eiermann patent (5,493,871); however, the Eiermann art does not disclose all of the elements of the instant invention claim 1 nor anticipate its structure. One example is that Eiermann has no bypass valve 29 or check valve 31 as in the instant invention.

The hot water valve 30 of the instant invention may perform a similar function to the Eiermann control valve 20 to control hot fluid flow. However, the instant invention hot water control valve 30 is located in a different position to for example allow the recirculating pump 22 to pump fluid away from purge valve 32. This position may allow purge valve 32 to function more efficiently upstream of bubble producing elements such as the recirculating pump 22. The purge valve 32 with balance valve and check valve 31 combination are not disclosed in the Eiermann art.

Further, Eiermann does not disclose the bypass valve 29 that may allow fluid to bypass the precool coil 23 of the instant invention. This may allow the air conditioning system to be compatible with a variety of air conditioning and heat pump systems. For these reasons it is believed the rejection of claim 1 under 35 USC 102(b) as being anticipated by Eiermann has been overcome and claim 1 should be allowed.

7. Enclosed is:

Continuation-in-Part Patent Application including:

19 pages of specifications

8 pages of drawings

Small Entity Statement

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor: STANLEY GOLDSTEIN

Title: AIR CONDITIONING SYSTEM

Atty Docket Number: \_\_\_\_\_

I hereby certify that the invention disclosed in the attached application **has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.**

**I hereby request that the attached application not be published under 35 U.S. C. 122(b).**

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9/16/03

Date

Stanley Goldstein

Signature

Stanley, Hallay, Goldstein

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regards to application of:

Serial No.: 09/945,403  
Applicant: Stanley Goldstein  
Filing Date: 02/06/2002  
Group Art Unit: 3744  
Examiner: JONES, MELVIN  
For: AIR CONDITIONING SYSTEM

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**EXPRESS MAIL CERTIFICATE MAILING UNDER 37 CFR § 1.10**

"Express Mail" label number: EV 2038452717

Date of Deposit: September 18, 2003

I hereby certify that the following attached correspondence comprising:

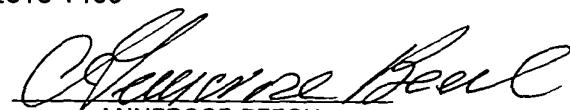
Continuation-in-Part Patent Application including:

3 pages of Transmittal Letter  
19 pages of specifications  
8 pages of drawings  
Small Entity Statement  
Combination Declaration and Power of Attorney  
Nonpublication Request  
4 pages of Call Out List  
4 pages Preliminary Amendment dated December 28, 2001  
Self Addressed Postcard  
A check in the amount of \$429.00

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dated: 9-18-03

  
ANNEROSE BEECH

Combination Declaration and Power of Attorney  
Nonpublication Request  
4 pages of Call Out List  
4 pages Preliminary Amendment dated December 28, 2001  
Proof of Mailing  
Self Addressed Postcard  
A check in the amount of \$429.00

This amount is based on:

26 claims and 3 independent claim	\$375.00
0 independent claims in excess of three (\$42.00)	0.00
6 claims in excess of twenty (\$9.00)	54.00
Time Extension	

TOTAL FILING FEE:

\$429.00

Very truly yours,



DENNIS W. BEECH  
Reg. No.: 35,443

DWB/ab  
Enclosures

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